

TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman
Lynn Greer, Director
Melvin Malone, Director

460 James Robertson Parkway
Nashville, Tennessee 37243-0505

NOTICE OF FILING

DOCKET: 97-00888

IN RE: Universal Service Generic Contested Case

DATE: April 20, 2001

In the *Interim Order on Phase I of Universal Service*, the Tennessee Regulatory Authority ("TRA") ordered that "all providers of intrastate telecommunications services in Tennessee, regulated or not, shall be required to contribute to the intrastate Universal Service Fund."¹ The TRA made its decision consistent with the Telecommunications Act of 1996 ("the Act") and pertinent FCC orders dealing with Universal Service issues.² The Act defines telecommunications carriers as, "any provider of telecommunications services, except that such service does not include aggregators of telecommunications services." In line with its order in Phase I, the TRA further ruled in Phase II of this proceeding "contributions to the intrastate universal service fund should be based upon a percentage of total intrastate retail "end user" revenue of [these] telecommunication service providers."³ The Authority's Universal Service orders can be found on the Authority's website at www.state.tn.us/tra under Docket No. 99-00888.

At the Pre-Hearing Conference held on April 3, 2001, the Pre-Hearing Officer informed those present that all telecommunications carriers are invited to submit comments on the issue of whether the Authority may request revenue information from and, ultimately, require contribution to the Universal Service fund by commercial mobile radio service ("CMRS") providers.⁴

¹ *Interim Order on Phase I of Universal Service*, p. 27 (May 20, 1998). The TRA recognized two exceptions, a temporary exemption for rural carriers and a *de minimis* exemption. *See id.*

² FCC order 97-157 provides that telecommunication services include, but not limited to "cellular telephone and paging services; mobile Radio services; PCS; Access to inter-exchange services; special access; wide area telephone service (WATS); toll free services; 900 services; MTS; private line; telex; telegraph; video services; satellite services; and Resale services." *In the matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, FCC 97-157, 12 FCC Rcd 8776, para. 780 (May 8, 1997). The order further states that payphone providers should contribute to the interstate Universal Service fund. *See id.* para. 797.

³ *Interim Order on Phase II of Universal Service*, p.60 (Sept. 16, 1999).

⁴ For the purposes of this notice, CMRS providers are defined as written in 47 C.F.R. § 20.3.

Comments are to be filed on May 14, 2001 no later than 2:00 p.m. In addition, any carrier considering intervention should file a Petition for Leave to Intervene at the time it files the above mentioned comments. Copies of all filings must be served on all parties.

FOR THE TENNESSEE REGULATORY AUTHORITY:

A handwritten signature in black ink, appearing to read "K. David Waddell". The signature is stylized with a large, looped initial "K" and a cursive-style name.

K. David Waddell, Executive Secretary

cc: Parties of Record and Interested Parties

original in docket file